IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA, **Plaintiff,** **v.** **KUBOTA NORTH AMERICA CORPORATION, a corporation, also d/b/a KUBOTA ENGINE CORPORATION, KUBOTA TRACTOR CORPORATION, KUBOTA MANUFACTURING OF AMERICA CORPORATION, KUBOTA INDUSTRIAL EQUIPMENT CORPORATION, and GREAT PLAINS MANUFACTURING INCORPORATED/LANDPRIDE,** **Defendant.**	**Case No. 3:24-cv-159**

UNOPPOSED MOTION FOR ENTRY OF JUDGMENT

Plaintiff, the United States of America, and Defendant, Kubota North America Corporation ("Kubota") have resolved all issues in this matter via the relief set forth in the Proposed Stipulated Order for Permanent Injunction, Civil Penalty Judgment, and Other Relief, attached as Exhibit A, memorialized by the signatures at pages 11 through 12 ("Proposed Order"). The United States has conferred with counsel for Kubota, which consents to the relief sought herein. The United States respectfully requests that the Court issue the Proposed Order negotiated by the parties for the reasons set forth below.

The Court should approve a consent decree if it is fair, adequate, and reasonable. *United States v. City of New Orleans*, 731 F.3d 434, 438-39 (5th Cir. 2013). The Proposed Order is fair, reasonable, and equitable, and does not violate the law or public policy for the following reasons:

a. The Proposed Order is procedurally fair because it is the product of arms-length adversarial negotiations. The parties were advised by counsel and had the opportunity to evaluate the strengths and weaknesses of each other's cases. The parties negotiated the Proposed Order in good faith, in lieu of expending further resources on protracted litigation.

b. The Proposed Order is substantively fair because the civil penalty and injunctive relief are proportionate to the alleged violations of Sections 5(m)(1)(A), 13(b), and 19 of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. §§ 45(m)(1)(A), 53(b), 57b, and the Made in the USA Labeling Rule ("MUSA Labeling Rule"), 16 C.F.R. Part 323. The Proposed Order requires Kubota to pay a civil penalty of $2,000,000. Ord. at 5. The Proposed Order also meets the objectives of the FTC Act and the MUSA Labeling Rule by prohibiting Kubota from committing any further rule violations and requiring Kubota to engage in compliance reporting for the next 20 years to prevent future rule violations.

The relief obtained through the Proposed Order is reasonable given the scale of the alleged violations, and also in light of the litigation risks faced by the parties. The Proposed Order will allow all parties to avoid the significant time and expense associated with litigating their positions further.

In light of this agreed-upon resolution of this action and the foregoing reasons, the United States respectfully requests that the court grant this joint motion and enter the Proposed Order by executing on the signature page (page 10) of the Proposed Order in the form lodged with the Court with this unopposed motion.

Dated: January 22, 2024

FOR THE FEDERAL TRADE COMMISSION:

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